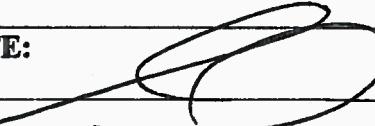


LAS VEGAS POLICE DEPARTMENT	OPERATIONS
SUBJECT: <i>Criminal Investigations</i>	NUMBER: OPR.2
EFFECTIVE DATE: <i>9 September 2010</i>	REVIEW DATE:
AMENDS/SUPERSEDES:	APPROVED: 
NMMLPSC STANDARDS: <i>OPR.02.01 – OPR.02.06</i>	NMSA: 31-18-17,31-18-20

I. PURPOSE:

The purpose of this policy is to ensure the efficient and effective management of the Criminal Investigative function by providing administrative guidance that identifies the responsibilities and investigative process within the uniform and other components of the department.

II. POLICY:

It is the policy of the Las Vegas Police Department to manage the function of the Criminal Investigation in an effective and efficient manner by coordinating the efforts of uniform and other investigative components as provided in this policy.

III. APPLICABILITY:

This policy is applicable to all commissioned personnel of the Las Vegas Police Department.

IV. REFERENCES:

- A. Las Vegas Police Department Criminal Investigation
- B. New Mexico Law Enforcement Accreditation OPR 02.01-02.06
- C. Rule 11-707 New Mexico Rules of Evidence –Polygraph Examinations
- D. 31-18-17- 31-18-20 NMSA 1978 Habitual Offenders

V. DEFINITIONS:

- A. **Criminal Investigation:** The Objective and collection of facts and information to determine whether a crime has been committed. If a crime is committed, the goal is to identify any offenders, collect and organize facts, information, and evidence in support of criminal prosecution.
- B. **Investigations Division:** A division within the Las Vegas Police Department staffed by investigators trained to conduct criminal investigations.
- C. **First Line Supervisor:** The immediate supervisor in the chain of command over the case agent/primary investigating officer.
- D. **Case Agent/Primary Investigating Officer:** The agent/investigator assigned primary responsibility and accountability for an investigation. The case agent should follow chain of command as per department structure.
- E. **Informant:** is someone who provides privileged information about a person or organization to an agency.
- F. **Case Agent** will be responsible for gathering all reports, evidence and all other pertinent information and is to provide a detailed packet to the District Attorneys Office for prosecution.

VI. PROCEDURE:

The Criminal Investigation Division's goal is to thoroughly investigate reported criminal offenses and arrest persons responsible for the commission of these crimes. Officers assigned to the Criminal Investigation Division are non-uniformed personnel who investigate, case reports, arrest warrants, search warrants, make arrests of defendants, and prepare other documents which are required for completion of assignments and presentation to the proper prosecuting authority.

I. Preliminary/Follow up Investigation:

1. During an investigation the officer should observe all conditions, events and remarks as well as locate and identify suspects, victims, witnesses, identify and protect crimes and arrange for collection of evidence.
2. The investigator will gather facts and evidence at the scene by the use of department equipment through interviews and interrogations in an effort to establish circumstances and perpetrator of the crime.

3. Investigators will interview witnesses, complainants, suspects, and victims and others who could have knowledge of a crime. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
4. Once a crime has been reported to the Las Vegas Police Department a preliminary investigation will begin. A preliminary investigation is the initial report of an offense.
5. Most preliminary investigations are conducted by Patrol Officer, unless conditions exist to warrant the involvement of Investigations Division personnel in the initial investigation.
6. During the investigation, the officer should observe all conditions, events and remarks, as well as locate and identify any witnesses. Investigations and information obtained will follow guidelines set forth in New Mexico State statutes dealing with criminal law, criminal procedure and accessibility to various records keeping systems. Case law established by New Mexico and Federal courts applies to all investigations.
7. When questions arise on legal procedures, investigators should consult with supervisors and the District Attorney's Office for appropriate guidance.

II. Case Screening

1. Cases, except those closed by the original investigating officer, are to be classified as "pending further investigation." Cases pending investigation remain in this status until such time that an alternate classification has been assigned.
2. The designated supervisor, who is assigned responsibility to screen cases, shall issue cases to investigators based upon solvability factors.
3. A decision shall be made by the supervisor whether to assign a case for investigation or change the status to "not assigned." This decision is generally based on minimum solvability factors.
4. Solvability factors should assist supervisors in maximizing available resources in the investigation of potentially solvable cases and cases of more serious nature.

III. Solvability factors

Solvability factors are considered based upon the following criteria:

1. Complainant does not wish to prosecute.(Never give option)
2. Suspect arrested.
3. Suspect named/identified/location known.

4. Suspect vehicle information known/described.
5. Persons or major crime(s) against person/property having substantial loss.
6. Traceable property taken.
7. Witness to the offense.
8. Evaluation of evidence.

IV. On Scene Investigations:

1. Once an investigator has been called to the location for a preliminary investigation, he/she is responsible for the following:
 - a. the investigator will take responsibility of the scene when asked to respond to a location. The first arriving investigator will take into consideration their own safety and the safety of others when arriving at a crime scene.
 - b. once established that there is no danger to themselves or others, the scene may be secured with no additional officers, investigators or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. A log will be kept on record of personnel entering the crime scene.
 - c. the investigator will gather facts and evidence at the scene by use of department equipment and interview or interrogation, in an effort to establish the circumstances and perpetrator of the crime.
 - d. All evidence collected will be properly tagged and placed into evidence before completion of duty that day. If an arrest is made, the primary officer or the investigator will file an affidavit and/or criminal complaint to be attached to all arrest reports of the defendant. Supplemental reports will be completed and turned in for review.
 - e. The investigator will review and analyze all reports and complaints prepared by other officers involved in the investigation of the case during the preliminary investigation.

V. Follow up Investigations

1. Follow-up investigations are those which go beyond the scope of preliminary and usually apply to those cases which are assigned. Homicides, rapes, robberies, major disasters, hostage situations, bombings, sex crimes, child abuse / neglect, aggravated assaults, aggravated burglaries, kidnapping, and other cases that are assigned by a supervisor shall be followed up by an investigator. Occasionally a patrol officer may investigate such cases when feasible. Included is following-up information that may lead to the identification and arrest of a suspect, property recovery and/or clearance of a reported offense. In most cases follow-up investigations are conducted by an investigator. These investigations should be conducted in accordance with applicable department procedures:

2. Cases will be assigned and managed by the Investigations Division Commander or Investigation Division Supervisor. This distribution will be made as equitably as possible.
3. Once assigned a case, the investigator will analyze all reports prepared in the preliminary investigation.
4. The investigator will seek additional information by contacting uniformed officers, and re-contacting victims, witnesses, complainants or informants and prepare case files.
5. The investigator may complete a neighborhood canvass, if one was not done during the preliminary investigation and is necessary. The canvass may be done in person or by telephone and completed as soon as possible.
6. Conduct additional interviews and interrogations.
7. Review applicable department records:
 - a. arrest records/criminal history of suspects
 - b. jail logs
 - c. field interrogation cards
 - d. pawn shop tickets
 - e. computer records
 - f. intelligence information
 - g. submit evidence for laboratory analysis and review the results upon completion.
 - h. submit fingerprint comparisons on suspects.
8. Plan, organize and conduct necessary searches.
9. Collect and submit for processing any additional physical evidence.
10. Identify suspects, have composite pictures made, and provide photographic and/or physical lineups for victims and witnesses.
11. Disseminate suspect information to proper department personnel and other appropriate agencies.
12. Prepare warrants.
13. Locate, arrest and question suspects. Attempt to determine suspect's involvement in other crimes.

14. Prepare the case report for presentation to the District Attorney's Office or other appropriate authority. Present all related documentation and physical evidence in court proceedings.
15. Assist the prosecuting attorney as needed. It shall be the responsibility of the assigned investigator to properly channel all pertinent case information when required to proper personnel and/or agencies.

VI. Development of Information:

During a criminal investigation information should be developed through a variety of accepted methods.

1. Witnesses, victims, and others who could have knowledge of a crime can be interviewed. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
2. Photographic or physical may be re-arranged for victims/witnesses in order to identify a suspect.
3. Criminal history, intelligence, background investigations and informational records maintained by the Department may be reviewed to obtain information on suspects and offenses.
4. Records and files maintained outside the Department may be accessed to obtain information on suspects, victims, or other persons involved in a case. These sources may include:
 - a. Pawn shop files.
 - b. Drivers license files.
 - c. Vehicle registration files.
 - d. Outside law enforcement agency files.
 - e. Social Service/probation service files.
 - f. Public utility files.
 - g. Crime Stoppers programs.
 - h. Suspects or arrested persons in reference to an offense.
5. Surveillance may be conducted on suspects or at potential offense sites.
6. Undercover officers may be utilized to gain information from suspects. Sting operations and reversals may also be used to gain information.
7. Interview with inmates may be conducted to gain information.

VII. Case File Management

1. Each investigator will maintain working files. All working files from January to December of that year and cases that have low or zero solvability factors will be removed from active status and turned into records division.
2. Cases which have a possibility to be solved will remain in the investigative section. Each investigator will be required to store all case files assigned in a secure location within the division. A case status log will be maintained by the Investigations Supervisor.
3. The Investigations Supervisor is the coordinator on each case assigned to the investigation division. He is responsible to assign cases to the appropriate investigator.
4. All police reports which are generated by the Investigations Division will be maintained either in investigations or by records division and will be destroyed according to retention schedule guidelines. Purging of all inactive files will be the responsibility of the Investigations Division Commander and Supervisor. The public records retention schedule will be complied with.

VIII. Case Assignment:

1. The Las Vegas Police Department assigns all felony, and misdemeanor case reports that require follow-up investigation, when further investigation is necessary.
2. Cases assigned for investigation will be made by the Investigations Section Supervisor, unless otherwise directed.
3. Cases which are assigned are noted in the log book. The information contained therein is listed numerically with the victim's name, date, assigned to, status cleared or closed and UCR classification.
4. The investigator will be responsible for coordination of the investigation and seeing that all information is compiled and properly channeled.

IX. Scheduling:

1. Investigators working within the Investigation Division will primarily be assigned day shift. The number of personnel and hours worked will be designated according to necessity as seen by the Chief of Police (or designee) and Investigation Division Commander.
2. Investigations Division Personnel are generally classified as non-essential. As such, they do not ordinarily work on holidays. The Chief of Police may approve personnel to work on holidays.

- a. When scheduling days off and approving leave requests, seniority of being assigned to the division is applied in determining priority, but also must be equitable to all.
3. Investigators will be encouraged to periodically attend patrol briefings. This should enhance relationships and provides a method for the exchange of information.
4. Non-duty hours call out will be on a rotating base.

X. Informant:

1. A person providing information in good faith who provides confidential information about another person who is suspected of violating some criminal statute.
2. A person who habitually associates with suspected criminals and provides information to a law enforcement officer for compensation, some other consideration or personal motivation; or
3. A person who sometimes obtains information at the direction of a police officer as an agent of that officer.

XI. Witness:

1. A person whose testimony is desired on any investigation, prosecution and proceeding by a grand jury.

XII. Juvenile:

A person under the age of eighteen (18) will not be utilized as an informant.

XIII. Confidential Informant File

1. A master file on all informants is maintained by a designated investigator. This investigator is responsible for the security of and restricted access to, these files.
2. A file on each confidential informant includes the following:
 - a. File labeled by Confidential Informant code number only.
 - b. A signed informant agreement.
 - c. Photograph of the informant.
 - d. Personal history information sheet.
 - e. Criminal history information sheet.
 - f. Records of payments to the informant.
 - g. Data concerning the informant's operational involvement.

- h. Information received from the informant.
- 3. Files of informants who have been inactive for a period of one year are removed and placed in a separate inactive file.

XIV. Informant Identification:

- 1. An informant code number is assigned for use in investigative reports in lieu of the informant's true name. The code numbers are constructed as follows:
 - a. LVPD: Las Vegas Police Department
 - b. Month of first contact
 - c. Day
 - d. Year of first contact with informant (example 091706)
- 2. A master file is maintained containing the identification of informants corresponding to their code number. All narcotic informant files will be maintained and secured by the Narcotics Supervisor or as assigned by the Chief of Police or designee.
- 3. The officer who has a registered informant will protect the identity of that informant by all possible means.

XV. Criteria For Paying Informants

- 1. All payment made will be within approved state funding guidelines.
- 2. Payments made to confidential informants must be commensurate with the value of the information and/or assistance provided.
- 3. All payments to informants are documented and signed by both the informant and the officer. These records are reflected in the informants file as well as on the contingency fund expenditure report.
- 4. When possible, all payments should be witnessed by an additional officer.
- 5. Patrol officers will use the same procedures as investigators in all aspects concerning informants.

XVI. Juvenile Informants:

Juveniles may be used as a witness to an incident; however the use of juveniles as paid informants is discouraged due to the inherent problems associated. Any use of a juvenile informant requires the prior collaboration with District Attorney's Office.

XVII. Informant Relationships

1. Relationships with confidential informants are professional and should be maintained only as long as it is determined to be in the best interest of the Department to do so.
2. Officers shall use accepted practices when meeting with informants in order to protect the anonymity of the informant and the safety/integrity of the officer. Informants should never be promised their anonymity will be protected; however, officers should establish methods of communication that protect the informant's identity.
3. Informant relationships should conform to the highest standards of the law enforcement profession. These relationships should not be allowed to impair an officer's ability to perform as a law enforcement officer.
4. Informant relationships shall not be established or maintained when the relationship tends to bring disrespect on the Department or discredit the officer(s) involved.
5. The establishment or maintenance of a personal relationship with a confidential informant is expressly prohibited activities include:
 - a. Social dating;
 - b. Personal intimacy;
 - c. Sexual relations;
 - d. Cohabitation;
 - e. Private monetary indebtedness between the officer and the informant.
6. Officers actively working a confidential informant should obtain consent from their supervisor and keep the supervisor advised of activities with the informant.
7. If an officer determines that a prospective informant is currently working with another officer or agency, that officer should inform the originating officer or agency of the activity to avoid any duplication and/or conflict.
8. If it is determined than an informant relationship is in conflict with the provisions of this policy, the relationship will be terminated. The termination and the reason for it should be noted in the informant's file. The responsibility for the severance lays with the officer using the informant and his/her immediate supervisor.
9. Whenever possible, two officers should be assigned to develop and maintain a confidential informant of the opposite sex or whose sexual preference could make an investigation more susceptible to compromise through alleged improprieties.
10. Informant Memorandum Of Agreement:
 - a. A signed and witnessed informant agreement should be initiated prior to any use of, or payments to, a confidential informant.

11. Procedures for working Informants

- a. No inappropriate personal relationships with informants.**

12. Determine, if possible, the informant's motivation for desiring to work as a confidential informant.

13. Corroborate the informant's information with other sources.

14. When meeting with informants, the officer's immediate supervisor should be advised of the meeting.

15. Do not make promises that cannot be kept. Use common sense.

16. Never tell an informant something which should not be public knowledge.

17. Informant Anonymity

- a. The names and identities of informants remain confidential and are restricted to those with a need to know.**

- b. In order to maintain this anonymity the following applies:**

- 1. Access to informant files is strictly controlled.**

- 2. Files are indexed by code number.**

- 3. Meetings should be arranged in inconspicuous places.**

C. For identification purposes in investigative reports, the informant code number shall be used.

D. The name of the informant will not be released without the permission and prior knowledge of the Chief of Police.

XVIII. CONTINGENCY FUND

This fund consists of monies that are allocated for the purchase of evidence, payments to informants, and payments to officers. Each investigator may be provided with an allotment from which they may disperse within the scope of its designated use. This fund is designed to be used for the following:

A. Purchase of evidence:

This category is for the purchase of evidence and/or contraband such as narcotics and dangerous drugs, firearms stolen property, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

B. Payment to informant:

This category includes the payment of monies to an informant for information concerning criminal activity. All other informant expenses are classified under payments to officers.

C. Payment to officer:

This category includes travel or transportation of an officer or an informant; the lease of an apartment, business front, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment and similar expenses for undercover purposes, within reasonable limits. Shall be in compliance with State and City Guidelines.

D. Miscellaneous Expenses:

This category covers any and all other expenses for the effective operations as designated by the Chief of Police.

XIV. RESPONSIBILITIES

- A. The Chief of Police is responsible for disbursement of funds from the contingency fund and maintains accurate accounting records. Funds shall be maintained in a secured area in the Chief of Police office. Only the Chief of Police has access to this area.
- B. In order to provide a system of checks and balances, a quarterly recap and summary of the disbursements and documentation of each investigator who receives an allotment and the fund ledger sheet. Reports are compiled and submitted to the Chief of Police.
- C. Each investigator assigned to Criminal Investigations may receive monies to be used under the guidelines of this policy and State / City guidelines. They are required to account for this disbursement by signing the receipt book.
- E. Any request for disbursement of funds should be made to the Chief of Police through the chain of command.
- F. A receipt book is maintained in the office of the Chief of Police office and is not removed from the office area except as necessary for inspection.
- G. The exchange of disbursed monies between investigators is acceptable only on a

restricted basis and requires prior approval when feasible. It is the responsibility of both the investigators to maintain accurate records to insure proper accountability of the monies.

H. Accounting records are maintained for each fiscal year which starts July 1 and concludes on June 30 of the next year. At the end of the fiscal year, the Chief of Police gathers the funds from the investigators and balances the account. These records are bound and maintained for a minimum of seven calendar years.

XV. INFORMANT PAYMENTS

- A. Prior to making payment to an informant, an informant file should be prepared, and an informant number assigned.
- B. The amount of payment should be commensurate with the value of services and/or information provided. Payments for information leading to a seizure, with no defendants, should be held to a minimum. Payments should be based on the following factors:
 1. The level of the targeted individual, organization or operation.
 2. The amount of the actual or potential seizure.
 3. The significance of the contribution made by the informant to the desired objectives.
- C. A receipt is required with the exact amount paid to and received by the informant. Cumulative or anticipatory receipts are not permitted.
- D. Informants are required to acknowledge, by signature, any payment made to them. There should be at least one other witness.
- E. As payments are made to an informant, the investigator is responsible for keeping accurate records.

XVII. MISCELLANEOUS PURCHASE

A. Stolen Property Purchases:

Expenditures for the purchase of stolen property are handled in the same manner as narcotics purchases.

B. Other Expenditures:

Expenditures for food, alcoholic and non-alcoholic beverages and other items which may be necessary must be accompanied by a receipt when possible and entered on the receipt book. The investigator's name, if applicable, case number or informant number should be placed on all receipts for miscellaneous investigative expenditures. The Division Commander verifies all expenditures on a monthly basis.

XVIII. APPROVAL, AUDIT AND REPORTS OF EXPENDITURES

A. The Chief of Police or designee must be informed of the following:

1. All Drug or stolen property payments,
2. All investigative expenses, or
3. All informant payments.

B. The receiving investigator signs for any receipt of funds.

C. The Investigations Supervisor maintains the file of disbursement reports.

D. A disbursement report accounting for the expenditure of funds from the previous disbursement and showing a current balance is submitted to the Captain for audit purposes quarterly.

E. Annually there will be an independent audit of the contingency fund. The audit will be done by the City Finance Director or an independent auditor hired by the City.

XIX. CONFIDENTIAL SOURCE

A confidential source is a person providing information to the police who believes that the information may or may not result in a criminal investigation. This information is provided with no compensation or consideration for personal motivation. Information received by a confidential source will be reviewed and acted upon in an appropriate investigative manner.

XX. FLASH ROLL

The purpose of showing a drug trafficker money during an undercover operation is to assure him/her that the undercover officer is financially capable of purchasing the narcotics being offered for sale. This practice is commonly referred to as a 'flash roll'. The following procedures will be adhered to when using a flash roll.

A. Any flash roll will be used under the direct supervision of Supervisor.

B. Money used from the flash roll may be photo copied and submitted for evidence before using the money. This procedure may be used in the case of a search warrant or a 'buy-bust' investigation, among others.

- C. No portion of the flash roll should be loaned to any other agency without prior approval from the Chief of Police or designee. When money is loaned to another agency, a representative of the Department accompanies the agency on the operation when feasible.
- D. Money used from the flash roll is returned to within 24 hours of its use, when possible.
- E. If the amount needed for the flash roll exceeds the available amount in the contingency fund, the Chief of Police may access additional funds for temporary use through the City Finance Director.

XXI. INVESTIGATING LOSS OF MONIES

- A. Any loss of money, whether from the flash roll or from an investigator's allotment shall be reported immediately to the Chief of Police through the chain of command and a detailed written memorandum submitted.
- B. An appropriate investigation shall be conducted by the Investigation Division Commander and may result in an Internal Affairs investigation.
- C. Reimbursement to an investigator requires prior approval.

XXII. FORFEITURES OF SEIZED PROPERTY

Seized property that is subject to forfeiture is pursued in accordance to federal and state law.

- A. Forfeiture cases are filed through the District Court or Federal Courts. Forfeiture documents are completed by the assigned investigator and filed by the investigator.
- B. The completed forfeiture documents are submitted for supervisory approval. A copy is maintained with the case report while the original is submitted to the District Attorney or the Federal Agency assisting in the investigation.
- C. The seized property is held by the Detective Sergeant pending final disposition by the court.

XXIII. INVESTIGATIONS

A. Homicide Investigations

Any death, of suspicious nature, shall be considered a homicide, until such evidence indicates differently.

1. The first arriving officer/investigator will establish that the victim is in fact deceased. He will take into consideration his own safety and the safety of others when arriving at such a scene. Once established that there is no danger to himself or others, the scene will be secured with no additional officers, investigators or

supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. As soon as practical a crime scene log will be established, documenting the entrance and exit times of all personnel into and out of the crime scene.

2. The identity of the victim will be made as soon as possible.
3. A determination of the location of the original crime scene, if other than where the body is located will be made.
4. The Office of the Medical Examiner will be notified as soon as possible for response to the location of the body. Determination as to the time of death, through medical examination made as soon as possible.
5. Determine the means of death.
6. Develop information about the case from:
 - a. Background and activities of the victim.
 - b. Information on last hours of the victim.
 - c. Follow-up on any vehicle information.
 - d. Injured suspects.
 - e. Witnesses/informants, interview of persons with knowledge of the victim's activities and with access to the premises of the crime.
 - f. Weapon(s) used.
 - g. Connections with other crimes.
 - h. Motive.
 - i. Opportunity, including known persons at the scene and persons believed to have been at the scene.
7. Examine evidence.
8. Exonerate innocent suspects.
 - i. Develop exculpatory evidence to include:
 - a. Alibi.
 - b. Self-defense.
 - c. Intent
 - d. Mental state
 - e. Sobriety.
 - f. Criminal record of the suspect/victim.
 - g. Criminal and mental records of victim, offender and witnesses.
10. Coordinate with appropriate agencies for traumatized family members/witnesses.
11. Complete all applicable general investigative procedures.

12. The Investigations Supervisor will be in charge of coordination of all aspects of the investigation including but not limited to:

- a. Crime scene(s) processing
- b. Interview(s) and interrogations
- c. Evidence collecting and recording
- d. Follow-up investigations and assignments
- e. Additional resource allocation (if necessary)

XXIV. Sexual Assault Investigations

In most cases investigations on sexual assault cases will be conducted by an investigator. These investigations shall be conducted in accordance with applicable departmental procedures.

1. Obtain consent to search or have evidentiary search warrant for the body fluids and hair, and have these items collected from the victim.
2. If the suspect is identified, obtain consent to search or an evidentiary search warrant issued for body fluids and hair, and have these items collected.
3. Ensure that all physical evidence is properly analyzed by the appropriate laboratory.
4. If the suspect is not known, have a composite picture made of the suspect from descriptions of victims or witnesses.
5. Consider a polygraph for the victim or suspect.
6. Notify and coordinate with appropriate agencies if the victim is a child and the suspect has access to the child
7. Coordinate with victim-witness assistance agencies for traumatized persons.
8. Complete all applicable general investigative procedures.

XXV. Burglary/Theft Investigations

In most cases investigations on burglary/thefts will be conducted by a patrol officer. These investigations will be conducted in accordance with applicable departmental procedures.

1. Ensure that all stolen property meeting established criteria is entered in the NCIC and local computers systems.
2. Ensure the prompt removal of items upon recovery from NCIC.

3. Develop methods and means to identify suspects, make arrests, and file cases.
4. Develop informants with information for location and recovery of stolen property and to identify suspects.
5. Develop intelligence information on known suspects and their activities.
6. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
7. Consider polygraph examinations for victims/suspects.
8. Complete all applicable general investigation procedures.

XXVI. Forgeries

In most cases investigations on forgeries will be conducted by an investigator. These investigations shall be conducted in accordance with applicable departmental procedures.

1. Confirm that forged instruments and copies of forgery affidavits are obtained and properly logged into evidence.
2. Contact the person accepting the forgery to verify that the alleged document is the one that was actually presented, and information of suspects are obtained.
3. Contact the account holder to verify information and to determine any additional information that would be pertinent to the investigation.
4. Complete all applicable general investigation procedures.

XXVII. Auto Thefts

In most cases investigations on auto thefts will be conducted by a patrol officer. These investigations shall be conducted in accordance with applicable department procedures.

1. Develop informants with information for the location and recovery of stolen vehicles, vehicle parts and to identify suspects.
2. Physically locate, remove, and seize any stolen vehicles, vehicle parts discovered during an investigation.
3. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
4. Complete all applicable general investigation guidelines.

XXVIII. Outside City Limit Investigations

The investigation of a case may take an investigator outside the city limits for gathering of information.

1. Out of town investigations shall be cleared with through the chain of command and proper justification given for the need to leave the city. This information shall be forwarded to the division commander.
2. Investigators working outside the city limits shall coordinate activities with the agency having jurisdiction in that area.
3. Expenses incurred while performing official functions outside the city shall be documented by receipts and turned in to the Captain for reimbursement when approved. Note that the City's procurement code shall be followed.
4. Investigation or surveillance resulting in the execution of a search or arrest warrant requires the notification of an appropriate supervisor. The supervisor determines if participation in the execution of a search or arrest warrant outside the city is in the Department's best interest. If so, the supervisor coordinates the warrant execution with the agency having primary jurisdiction.
5. The supervisor shall make any decision to withdraw personnel or resources from such an operation if it is no longer in the best interest of the Department to continue.
6. The supervisor insures that the Department's procedural and operational requirements are adhered to by personnel under his supervision.
7. Deviation from the Departments procedures must be approved by the Division commander.

XXIX. Victim Contact

In most cases, victims of a crime have never had contact with the police on a criminal case. The average citizen does not understand the procedure and investigative techniques or how

the judicial system works. Investigators should explain the process to the victim.

1. The initial contact with the victim should occur as soon as possible upon receipt of a case. Following the initial contact investigators are encouraged to notify victims on any change in the status of their case (active, cleared, suspended, arrest made, etc).
2. Victim contacts are normally made employing one of the following methods:

- a. In person
- b. Via telephone
- c. Letter form

XXX. REPORT REVIEW

All reports that become official record are reviewed for completeness, accuracy and offense elements.

- A. Detective Sergeant shall review reports for completeness, accuracy and offense elements.
- B. If a report is determined to be incomplete, inaccurate or lacks the elements of the stated offense it shall be returned to the investigator for correction. Investigators may be required to conduct additional investigation in order to make a case presentable for filing.
- C. Cases for filing are prepared and submitted by the investigator to the District Attorney's Office for final approval.
 - 1. The District Attorney's Office may review and return the case to the investigator for presentation to the appropriate court.
 - 2. Cases accepted for prosecution that the prosecuting attorney indicates needs further work, are to be sent to the filing investigator. That investigator will complete corrections requested or additional investigations and submit the follow-up in a timely manner. Additional work will be checked by the Detective Sergeant.
 - 3. Cases not approved are returned to the investigator for correction or further work, or cleared by no prosecution on the part of the District Attorney's Office.
- D. Investigators consistently displaying deficiencies in case preparation or investigative techniques shall receive notations of such work in their personnel files by the Investigations Supervisor. Further displays of deficiencies will be monitored by the for further corrective actions required.

XXXI. CRIMINAL HISTORY INVESTIGATIONS

A criminal history investigation is used as an investigative tool for law enforcement purposes to determine a person's involvement in past criminal offenses.

- A. Information developed in a criminal history investigation shall be used only to substantiate or disprove the alleged involvement of a person in a criminal case.
- B. All criminal history investigations shall be conducted in a discrete and professional manner to protect individual right.

C. A variety of sources may be used to obtain information including:

1. Criminal history
2. NCIC and Criminal History Index (if criteria are met).
3. Police Department Records
4. Bank records and credit checks
5. Medical records
6. Relatives, neighbors, business associates, known associates, etc.

D. Any information developed for background during an investigation should be documented separately from any other investigative reports. All information and material obtained is confidential and should be noted as such on the report. Any information shall be released for official purposes only following the established Department confidential records release policy.

E. Any physical records obtained may be seized as evidence and handled accordingly.

XXXII. CASE STATUS

A. The investigator determines or changes the status of each case assigned. This decision is based upon information developed by, or provided to, the assigned investigator. Any change in the status of the case is made through a supplemental narrative report.

B. Case status categories are designated as:

1. Refusal to prosecute-Victim:

No further actions are requested by the victim on the part of the investigator, except for domestic violence cases.

2. Refusal to prosecute-District Attorney's Office:

The case has been reviewed by the prosecuting authority and has declined to take the matter through the court process.

3. Cleared by arrest - Defendant has been arrested

4. Exceptionally cleared -Referral to another agency

The investigation of the case was turned over to another agency

5. Warrant/summons issued

6. Case unfounded:

Indicates that a case does not contain the legal elements of an offense required to meet its original classification.

7. Inactive:

Indicates that all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion. Investigative efforts may be resumed at a later date.

- C. Information on the status of a specific case is recorded, maintained and updated by the investigator to which the case is assigned.
- D. Periodic Supplemental Reports are completed by the assigned investigator, submitted for supervisory approval, then submitted to the Records Section for processing. While all original copies of associated work will be forwarded to the Records Section for maintenance, an investigator may at his discretion maintain a duplicate file of his own for investigative purposes. Upon case disposal, the investigator will purge his file.
- E. The case status is noted in the log book.
- F. Victims of crimes are notified of any change in status of their case within 72 hours of the change by the investigator/officer is aware of the change, unless such notification would jeopardize the investigation and the section supervisor approves. Notification may be verbal or written and shall be noted in the case records.

XXXIII. MONTHLY REPORT

A monthly report is the responsibility of the Investigations Commander. The report shall be completed and delivered to the Chief of Police in a timely manner. The monthly report contains the following information:

- A. Total number of cases assigned investigation.
- B. Total number of cases assigned to each investigator.
- C. Total number of cases cleared by each investigator, and UCR crime classification.
- D. Overall division clearance rate for the month.

XXXIV. INTERVIEW PROCEDURES:

- A. A critical element of the interviewer's success is the amount of preparation done before the actual interview. The success of the interview depends on the investigator's observations, practices and experience.
- B. The interviewer should obtain specific background information to determine the person's credibility prior to beginning the interview.
 - a. Criminal history.
 - b. Person's relationship to the offense.
 - c. Person's relationship to other parties of the offense.

- C. Select the location where the interview is conducted. The ideal location for an interview is a controlled environment that provides privacy, comfort and convenience.
 - a. When possible the interview should be conducted in designated interview rooms or offices in the police building. This room should be free from outside interference or interruptions. The room should be searched before and after for weapons and contraband. Often a room is not available after hours. If this is the case the officer should find a secluded location in the office for the interview.
- D. Interviews conducted outside the police building should be conducted in comparable surroundings when possible.
- E. The interviewer should present a professional appearance and be professional in manner.
- F. Pertinent information and physical evidence should not be disclosed during the interview. This helps to:
 - 1. Protect the "Rules of Evidence."
 - 2. Confirm or negate the credibility of the interviewed person.
 - 3. Insure the integrity of the interview.
 - 4. Protect against the possibility of the interviewed person being a suspect or accomplice.
 - 5. Gives the interviewer an opportunity to truly discover the knowledge of the person being interviewed.
- G. Taking notes during the interview is suggested, controlling the pace helps to insure that the interview is accurately documented. The interview may be taped.
- H. When questioning has been completed, review what has been discussed and utilize notes to insure that all information is complete and accurate.
- I. A successful interview is accomplished through preparation, skillful interviewing techniques and confirmation that the witness has provided complete knowledge of the incident.

XXXV. INTERROGATION PROCEDURES

- A. Interrogation is the act of obtaining information by asking a question or a series of questions to obtain:

1. Facts needed to prepare a case against a defendant,
2. Facts needed to take a good, legal and corroborative voluntary Statement from a defendant, or
3. Facts which might clear the person as a suspect.

B. Obtain all known facts regarding the case. These may come from:

1. Written officer's reports
2. Witness statements, and/or
3. Accomplice statements, etc.

C. Obtain all the information possible about the suspect to include:

1. Name(s) of accomplice(s)
2. Previous criminal history.
3. Information on personal habits, traits, known locations, etc.

D. Select the proper place for the interrogation. Selection criteria should be:

1. Small room or office, free from interruptions or outside noises.
2. Comfortable chairs and table or desk.
3. In most cases, the interrogator and suspect should be alone. This is especially important in cases involving sex crimes, homicides, and crimes against children.

E. All interrogations will fall into legal and constitutional aspects set forth by the State of New Mexico and the government of the United States.

1. Preparations to stay with the suspect until the goal has been accomplished should be made.
2. Never set time limits on the interrogation.

XXXVI. MECHANICS OF THE INTERROGATION:

A. The arresting officer's actions and attitude at the time of arrest and in transport can have a direct bearing on the suspect's attitude during interrogation. To help make the interrogation more effective the officer should:

1. Advise suspect of the charge.
2. If suspect is not free to leave advise the suspect of his/her "Miranda Warning."
3. Limit conversation with the suspect, unless a spontaneous statement is made. Do not discuss the case with the suspect.
4. Conduct the interrogation in a professional and honest manner.

B. As an introduction to the actual interrogation, the interrogating officer should:

1. Assure the suspect that the officer is responsible for the suspect's case.
2. Establish authority by using the officer's official title in the initial introduction.
3. If applicable, advise the suspect of his/her "Miranda Warning".
4. Inform the suspect of the matter that is going to be discussed and read the "Miranda Warning."

XXXVII. ORAL CONFESSIONS:

- A. In order for an oral confession to be useful, some corroboration must be established or new incriminating evidence discovered as a result of the confession.
- B. On any oral confession, go over the story several times to be sure it is not a fabrication.
- C. Make an audio and/or video tape recording of the oral confession.
- D. Cautions are listed below in an attempt to avoid undue or worthless confessions.
 1. Do not give the impression that you are short of time or that you are rushed. Don't look at a watch or clock frequently.
 2. Try not to lose momentum in the interrogation, even if you have to repeat questions several times.
 3. Never promise something you can't give. Obtain written agreements from the District Attorney on plea bargains when possible.
 4. Never allow personal emotions to destroy your rapport after the suspect confesses,

even if the suspect admits to an offense other than the one they are being questioned about.

5. Maintain a commanding position and do not distract the suspect's attention by unnecessary body movements/language.

XXXVIII. CONSTITUTIONAL REQUIREMENTS:

- A. All individuals are afforded all constitutional and state rights.
- B. In order to show that the constitutional rights of an individual have not been breached, when required officers will follow these guidelines:
 1. Avoid coercion during interviews or obtaining involuntary confessions or admissions.
 2. Advise suspect of Miranda Warning if not free to leave
 3. Always inform persons of their legal rights.
 4. Provide opportunity for legal counsel.
 5. Do not delay any person's arraignment.
 6. Never participate in pre-trial publicity that would tend to prejudice a fair trial.
- C. Officers carry the burden of proof that a waiver of "Miranda Warning" was voluntary and free of coercion. The use of written rights advisement forms is always encouraged whenever possible.
- D. Inducements to cooperate in an interview are not employed, except with the prior approval of the prosecutor. No assurances are made as to what will happen during any phase of the handling of the case.
- E. The interview is immediately terminated when the person requests counsel. Arrangements are to be made to comply with the request.
- F. Security procedures are used when interrogating persons who are in custody. Officers ensure the physical safety of the officer, as well as the arrested person. This includes but is not limited to:
 1. Searching the interview room prior to and after the interview for weapons

and paraphernalia.

2. Custodial interrogations the subject is to be restrained.
3. Properly secure exits.

XXXIX. STATEMENT TYPES

A. Witness/victim statements:

These are taken from a witness or a victim of a criminal offense which can be used in court and is subject to discovery.

B. Defendant statement/confession:

These may or may not be a confession to an offense taken after the suspect has been advised of the appropriate constitutional rights. It is important that all remarks made in this statement are recorded exactly as stated, either oral or written, in the words of the person making the statement.

XL. WITNESS/VICTIM STATEMENT

A. Taped Statements

1. The correct offense number shall be placed on the statement; this will help insure that the statement is processed with corresponding paperwork.
2. At the beginning of the taped statement, the following information on the person making the statement will be required:
 - a. Name
 - b. Date of birth/age
 - c. Home address
 - d. Place of employment;
 - e. Telephone numbers to be reached.
3. If the person making the statement cannot read, or speaks a language other than English arrangements are to be made for interpretation. This is to insure accurate documentation of the statement.
4. The taped statement should contain an introductory paragraph. The main body of the statement shall then follow and contains information the witness can give on a particular offense. The following guidelines are adhered to:
 - a. The statement is to be in the person's own words. No police language or officers

words are to be included.

- b. An interview prior to the statement should be given to make clear what information will be covered, when practical.
5. Once the interview is completed, the tape is kept with the case file until determination is made to transcribe.
6. The original copy of the transcription is placed in the case file in Records and a copy is given to the assigned detective.
7. The taped statement is considered part of the case file and retained for the same period of time.

B. Written Statements

1. If the person making the statement cannot read, or speaks a language other than English, arrangements are made to have the statement read to the person. The reading is witnessed by another person. To insure accurate documentation of the statement, the interpreter reads the statement to the witness in a language the person understands. If the statement is correct the witness is allowed to sign the written statement.
2. The main body of the statement follows the introductory paragraph. This section contains information the witness can give on a particular offense, and the following guidelines are adhered to:
 - a. The statement should be in the past tense and in the words of the victim. Police language and the officer's words are not included. The statement should be single spaced.
 - b. The officer conducts an interview prior to beginning the formal written statement and attempts to obtain all the information the person can give on the offense in question.
 - c. Caution must be used to avoid changing the statement by omitting certain details. Only information pertaining to the offense under investigation should be documented in the statement.
 - d. Begin by asking the witness/victim to state the date, time, day of week and location from where the offense was witnessed or the person victimized.
 - e. The witness, in their own words, should give a chronological account of what they saw or heard.
 - f. Encourage the witness to remember events as accurately and completely as

possible. Be careful not to lead the witness into giving information that cannot be proven in court.

- g. At the end of the statement given, conclude the typed statement with "This statement is true and correct to the best of my knowledge and ability." Following this, type "End of statement", then type "Statement taken by (officer's name) on (date) at (location)" followed by typed information.
3. The person making the statement should read what has been typed and the officer makes corrections as needed.
4. Do not allow the person to sign the statement until a witness or notary is present.
5. Each page must be signed by the person making the statement and appropriately witnessed.

XLI. DEFENDANT STATEMENT/CONFESION

- A. Prior to beginning any audio/video taped or written statement from a suspect the officer must:
 1. Ensure the suspect has been made aware of his/her rights from the Miranda warning.
 2. Insure the suspect understands the rights as read.
 3. Insure any waiver of rights is made knowingly and any taped/written statement is given voluntarily.
- B. In taped/written statements, follow the guidelines as to introduction, main body and ending of the interview.

XLII. HANDLING METHODS/RELEASE OF INFORMATION:

- A. Taped statements are considered evidence and will be handled in the following manner.
 1. When an officer has a cassette tape that will be transcribed and used in the case file as evidence or for presentation for court purposes, an evidence sheet will be completed.
 2. The Chain of Custody will be completed showing the tape being turned over to the Evidence Technician.
 3. Upon completion of the transcript, the Chain of Custody will be completed and it will be turned over to an Evidence Technician. The tape will be stored as any other type of evidence.

4. The transcription is placed with the case file and is subject to release under the "Inspection of Public Records Act".
- B. Written statements are considered evidence and treated as such. In the event a person wants a copy of his written statement, even though it is being held in evidence, there is a copy of that statement placed with the case file and it may be obtained through the "Inspection of Public Records Act."
- C. With the usage of pocket recorders, an officer will sometimes record statements by suspect(s) or comments by other persons which could be considered evidence or have a bearing on an investigation. The recording of the statement will be entered into evidence by the officer, regardless of whether the person is arrested at that time or not. There may be other times that the pocket recorder picks up sounds and/or noises that may be considered evidence or useful in an investigation. Officers have the discretion to enter tapes at any time which may be considered of value.

XLIII. PHYSICAL LINEUPS:

- A. The courts have ruled that participation in lineups by in-custody suspects permits mandatory compliance. A suspect in custody may be forced to participate in a lineup. Since this is not the best procedure and could result in a tainted lineup, a court order is recommended in order to force the suspect's compliance with the physical lineup.
- B. The courts have ruled that the suspect's right to counsel at lineups is applicable only after the initiation of formal judicial proceedings (case filing, indictment, arraignment, etc.).
- C. If the suspect is in custody and requests appointment of an attorney, the investigator will contact the prosecutor with the request. The lineup will not proceed until an attorney has been appointed and is present.
- D. If the suspect is not in custody, a court order is required to compel participation in the lineup.
- E. The investigator must maintain accurate and complete notes recording the entire procedure.
- F. An unbiased and impartial approach towards the suspect's constitutional rights is mandatory for all officers.
- G. The prosecutor should be notified and encouraged to provide representation during the lineup. The prosecutor's office determines whether their presence is required or not.
- H. If the suspect is represented by an attorney, the attorney must be given reasonable notice of the lineup date.

- I. If the attorney does not appear at the date and time notified the lineup is postponed. The suspect may waive the right to counsel or agree to a substitute attorney.
- J. If the suspect refuses to retain an attorney, no lineup is conducted until the suspect has a court appointed attorney. The prosecutor's office shall be notified of the situation.
- K. Defense attorneys may not question witnesses who are under police control. The attorney may be present during the identification and post lineup interview.
- L. A witness may speak to a defense attorney if they desire, but should be advised they are not obligated to do so. The investigator should be present during any conversation between witness and the suspect's attorney.

XLIV. VICTIMS / WITNESSES

- A. Victims and witnesses should be given instructions concerning procedures. They should not:
 - 1. discuss anything with attorneys present unless accompanied by the investigator;
 - 2. make any overt or declaratory statements;
 - 3. proceed until instructed; or
 - 4. discuss the lineup or identification with other witnesses.
- B. Victims/witnesses are shown courtesies of proper and ample notification of lineup date, time and location.

XLV. SUSPECTS

- A. Suspects may be compelled to repeat words or phrases. All persons in the lineup must repeat the same words or phrases.
- B. If a suspect refuses to cooperate in speaking, the prosecutor's office shall be contacted and advised, actions for contempt of court proceedings may begin.
- C. Witnesses should be properly isolated from each other before, during and after the lineup. Each witness views the lineup individually. Witnesses are not allowed to see the suspect prior to the lineup.
- D. When selecting lineup participants, physical characteristics should be as close as possible and/or practical.
- E. Co-defendants are not placed in the same lineup.

- F. The lineup should be conducted with the suspect and at least four other individuals.
- G. The lineup should be conducted with one investigator working with the participants. A second investigator should work with the witnesses and attorney(s).

XLVI. PHOTOGRAPHIC LINEUP'S:

- A. Photographic lineups are proper investigative tools for securing suspect identification, provided they are not suggestive or improperly presented.
- B. Photo lineups may be used during an investigation either before or after arrest. There is no requirement that the suspect's attorney be present when a photo lineup is presented to a witness.
- C. Witnesses and victims may be allowed to view photos on file at the police building to generally search for a photo of the suspect. This is generally used when a definite suspect has not been identified.
- D. Lineup presentation in photo array shall be arranged at random with at least six photos of other individuals. All photos must be of the same sex, race, and approximate age and are displayed in the BPD spread folder.
- E. When mug shots are used in a photo lineup, all identifying written information or law enforcement reference on the photos is removed or covered.
- F. When general photographic police files are shown to a witness/victim, any names on the photos are removed or covered. These files may include pictures of individuals who have been handled for a particular offense. This may be necessary to ensure an adequate number of pictures for viewing to make the process objective.
- G. All photo lineups must be signed by victim/witness and an opportunity to make comment as to why they picked that photo.

XLVII. PHOTOGRAPHIC LINEUP PROCEDURES

- A. A photographic lineup is not shown to more than one witness/victim at a time.
- B. In the case of multiple witnesses/victims viewing a photo lineup, individual responses of each witness are not made known to other witnesses.
- C. The investigator does not, by words or gesture, suggest an opinion as to which photograph is the suspect. The investigator must remain neutral during the presentation.
- D. Each time a photo lineup presentation is made a record is to be made of the procedure, to include:

1. Time
2. Date
3. Location
4. Name of witness/victim Photographic numbers Offense date
5. Offense number
6. Investigator
7. The information listed above is documented on the LVPD photo spread folder.

E. The viewing witness will initial the photo selected, if any.

F. Information pertinent to the presentation procedure is documented in the investigator's paperwork. This may include statements made by the viewing witness/victim.

G. If a positive identification is made the photo spread will be marked, logged and placed into evidence.

XLVIII. JUVENILE OFFENDERS/PHOTO LINEUPS:

Photo lineup is prepared the same as for an adult. Use of this procedure must be in accordance with the New Mexico Children's Code dealing with photographs of children.

A. School yearbooks may be used as photo lineups. All names and identifying information, including page numbers must be covered. A sufficient number of pages must be displayed to allow the witness to view an adequate number of photos with similar characteristics as the suspect.

XLIX. POLYGRAPH EXAMINATIONS:

It must be recognized that the polygraph technique is no substitute for a complete and thorough investigation. The technique can be helpful in supplementing the investigation, and saving valuable man hours and expenditures if utilized during certain phases of the investigation. It should never be used to circumvent an investigation.

Polygraph examinations should be available to officers as a tool for case investigation; for pre-employment investigations as a means to verify background information and detect criminal activity; and to the Chief of Police for Internal Affairs Investigations.

A. GENERAL POLICY

1. The tested person shall be told that the test must be voluntarily taken, and that he cannot be made to take the test, except under a lawful court order requiring the taking of a polygraph examination in which the person to take the test is named.
2. The person shall be informed the test will take from 2 - 4 hours. He shall be told that as a condition of voluntaries he will refrain from using any alcohol or drugs,

including prescribed by a physician, for 24 hours prior to the examination, and that a question may be asked during the examination pertaining to his non-use of drugs or alcohol during the past 24 hours.

3. The person tested should wear a short sleeved, loose fitting, shirt and causal loose fitting slacks or trousers, if possible.
4. Persons with any physical or psychological abnormality or ailment will be tested at the discretion of the examiner performing the examination.
 - a. Any person that exhibits a condition indicating pain or discomfort, mental or physical, shall not be tested.
 - b. Pre-existing coronary conditions shall require a doctor's release.
 - c. Pregnant women will normally not be tested, and if tested, only upon a physician's release.
5. No polygraph examination shall be given:
 - a. to any person under 18 years of age unless he and his parents or legal guardian have signed a polygraph waiver prior the examination being given (Any person under 14 years of age shall not normally be polygraphed.);
 - b. any employee/member of the Las Vegas Police Department unless such examination is specifically directed by the Chief of Police, and only after the completion of a thorough investigation by appropriate authority;
 - c. subjects when the requesting individual is not directly affiliated with a law enforcement or judicial agency.
6. The polygraph examiner will make the final determination as to whether or not a subject will be administered a polygraph examination.
7. All polygraph examinations will conform to Rule 707 (Rules of Evidence, 11-707).
8. Under no circumstances will any attorney or other person be present while the examination is being performed, with the exception of an interpreter.

L. CRIMINAL INVESTIGATIONS:

To avoid indiscriminate use of the polygraph and ensure quality case evaluations, the following guidelines have been set for investigative personnel:

- A. They shall make contact with the polygraph examiner before scheduling an examination

so the examiner's case load can be checked and/or adjusted. Scheduling shall be done as personnel, time constraints, and other considerations dictate.

- B. They provide the examiner with all of the reports, supplements, and any additional information available pertaining to the case at hand and the person to be examined, including a criminal history on the person.
- C. They shall speak with the polygraph examiner and discuss the merits of the case and "targets" to be addressed at least 2 days prior to the examination being performed. Only one crime or specific issue will be dealt with during anyone examination. At no time will the phrasing of any test questions be posed to the examiner by anyone other than the examiner.
- D. In all cases, investigators should withhold from suspects all pertinent information believed to be known only to the victim(s) or person(s) with guilty knowledge. Examples: type of weapon used, caliber of weapon, exact amount of money stolen, the words spoken by the victim or perpetrator, exact route taken, or any information known only to those present at the scene of the crime.
- E. Investigators shall be available in the office while the examination is being performed.
- F. The case investigator will be responsible for having the subject present at the appointed time.
- G. Under no circumstances will the results of any polygraph examination be the sole criterion for determining the guilt or innocence of any person.

LI. INTERNAL AFFAIRS INVESTIGATION:

Only the Chief of Police or designee may order an employee to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:

- A. All other reasonable investigative means have been exhausted; and the officer has been advised of the reasons for ordering the polygraph examination. (29-14-5 NMSA 1978)
- B. The examination can only be used as a tool to help determine if the investigation is on the right track.

VII. ATTACHMENTS:

NONE